

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Butler	Team: Squad #5	CCRB Case #: 201607275	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 08/13/2016 3:00 AM	Location of Incident: Garrison Avenue and Tiffany Street	Precinct: 41	18 Mo. SOL 2/13/2018	EO SOL 2/13/2018	
Date/Time CV Reported Wed, 08/17/2016 3:04 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/24/2016 10:56 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Katherine Lopez	2388	955088	040 PCT
2. POM Luis Cabrera	24683	950135	040 PCT
3. POM Mandeep Singh	01166	952245	041 PCT
4. POM Shamere Boland	17975	954557	041 PCT
5. POF Gabrielle Rodriguez	13688	955396	041 PCT
6. SGT William Miller	3280	930740	047 PCT
7. POM Kenny Maldonado	12408	942108	041 PCT
8. LT Raymond Meyer	00000	925742	041 PCT
9. POF Jillian Snider	11647	945348	041 PCT
10. An officer			
11. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Rocio Castillo	03744	956506	PSA 7
2. POM Stephen Barry	17142	954525	040 PCT
3. POM Brian Destefano	7166	954727	040 PCT
4. SGT Jason Stocker	3041	933389	040 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Katherine Lopez	Force: Police Officer Katherine Lopez pointed her gun at § 87(2)(b) and § 87(2)(b)	
B. Officers	Force: Officers pointed their guns at § 87(2)(b) and § 87(2)(b)	
C.POM Luis Cabrera	Force: Police Officer Luis Cabrera pointed his gun at § 87(2)(b) and § 87(2)(b)	
D.POF Gabrielle Rodriguez	Abuse: Police Officer Gabrielle Rodriguez stopped § 87(2)(b)	
E.POM Kenny Maldonado	Abuse: Police Officer Kenny Maldonado stopped § 87(2)(b)	
F.POM Mandeep Singh	Abuse: Police Officer Mandeep Singh stopped § 87(2)(b)	
G. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
H.POM Mandeep Singh	Force: Police Officer Mandeep Singh pointed his gun at § 87(2)(b)	
I.POM Mandeep Singh	Force: Police Officer Mandeep Singh struck § 87(2)(b) with a gun.	
J. An officer	Force: An officer struck § 87(2)(b) with a gun.	
K. Officers	Force: Officers struck § 87(2)(b) with their asps.	
L. An officer	Force: An officer used physical force against § 87(2)(b)	
M.POM Mandeep Singh	Force: Police Officer Mandeep Singh used physical force against § 87(2)(b)	
N.POF Gabrielle Rodriguez	Force: Police Officer Gabrielle Rodriguez pointed her gun at § 87(2)(b)	
O.POM Kenny Maldonado	Force: Police Officer Kenny Maldonado used physical force against § 87(2)(b)	
P.POM Kenny Maldonado	Discourtesy: Police Officer Kenny Maldonado spoke discourteously to § 87(2)(b)	
Q.POF Gabrielle Rodriguez	Discourtesy: Police Officer Gabrielle Rodriguez spoke discourteously to § 87(2)(b) and § 87(2)(b)	
R.POM Mandeep Singh	Force: Police Officer Mandeep Singh pointed his gun at § 87(2)(b)	
S.POM Mandeep Singh	Discourtesy: Police Officer Mandeep Singh spoke discourteously to § 87(2)(b)	
T.POM Mandeep Singh	Abuse: Police Officer Mandeep Singh refused to provide his shield number to § 87(2)(b)	
U.POM Mandeep Singh	Abuse: Police Officer Mandeep Singh interfered with § 87(2)(b)'s use of a recording device.	
V. An officer	Abuse: An officer interfered with § 87(2)(b)'s use of a recording device.	

Officer(s)	Allegation	Investigator Recommendation
W. An officer	Abuse: An officer searched § 87(2)(b) s recording device.	
X. An officer	Abuse: An officer deleted information on § 87(2)(b) s electronic device.	
Y. An officer	Force: An officer struck § 87(2)(b) with a gun.	
Z. Officers	Force: Officers used physical force against § 87(2)(b)	
2A.POM Mandeep Singh	Discourtesy: Police Officer Mandeep Singh spoke discourteously to § 87(2)(b) and § 87(2)(b)	
2B.POM Mandeep Singh	Force: Police Officer Mandeep Singh pointed his gun at § 87(2)(b) and § 87(2)(b)	
2C.POM Mandeep Singh	Abuse: Police Officer Mandeep Singh arrested § 87(2)(b)	
2D.POM Mandeep Singh	Abuse: Police Officer Mandeep Singh arrested § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On August 17, 2016, § 87(2)(b) filed this complaint via phone with IAB on behalf of her son, § 87(2)(b) generating log number 2016-29287. The complaint was received at the CCRB on August 24, 2016, via log number 2016-29836.

On August 13, 2016, at approximately 3:00 a.m., PO Katherine Lopez and PO Luis Cabrera of the 40th Precinct pursued a civilian vehicle occupied by § 87(2)(b) and § 87(2)(b) to a gas station at Tiffany Street and Garrison Avenue in the Bronx. PO Lopez and PO Cabrera called for backup over the radio, and they stopped the civilians' car inside of the gas station with the assistance of other unidentified officers. All of the officers allegedly exited their vehicles and approached the civilians' car with their guns drawn and pointed at the car (**Allegations A, B, and C**). Numerous additional officers in uniform and in plainclothes from many different commands, including the 41st Precinct; 40th Precinct; and Highway Patrol 1, arrived on the scene. Among the officers who responded to the incident were Sgt. William Miller, PO Stephen Barry, and PO Brian DeStefano of the 40th Precinct and PO Mandeep Singh, PO Gabrielle Rodriguez, PO Kenny Maldonado, PO Shamere Boland, PO Jillian Snider, and Lieutenant Raymond Meyer of the 41st Precinct.

§ 87(2)(b) watched the initial vehicle stop from inside the gas station with his friends, § 87(2)(b)

§ 87(2)(b) and § 87(2)(b)

§ 87(2)(b) ran across the street from the gas station upon seeing the officers approach the vehicle with their guns drawn. PO Rodriguez, PO Maldonado, and PO Singh pursued § 87(2)(b) and additional unidentified police officers joined in the pursuit (**Allegations D, E, and F**). An unidentified officer allegedly said, "What the fuck is your problem" while pursuing § 87(2)(b) (**Allegation G**). PO Singh drew his gun, pointed it at § 87(2)(b) and said, "Freeze. Put your hands up" (**Allegation H**). PO Singh then struck the upper left part of § 87(2)(b)'s forehead with his gun (**Allegation I**), and an unidentified officer struck the right side of § 87(2)(b)'s cheek with his gun (**Allegation J**). § 87(2)(b) fell to the ground at which time an unidentified officer allegedly struck the back of § 87(2)(b)'s neck with his or her gun (**Subsumed within Allegation J**). While on the ground, two unidentified officers allegedly struck § 87(2)(b)'s back approximately five times with their asps (**Allegation K**), and an unidentified officer allegedly punched § 87(2)(b) several times in the face (**Allegation L**). PO Singh also kicked the upper right and lower left parts of § 87(2)(b)'s back several times (**Allegation M**). Unidentified officers used the word "fuck" in various contexts when speaking with § 87(2)(b) while he was on the ground (**Subsumed within Allegation G**).

§ 87(2)(b) approached § 87(2)(b) and pushed PO Maldonado away from § 87(2)(b). PO Rodriguez then allegedly drew her gun and pointed her gun at § 87(2)(b) (**Allegation N**). PO Maldonado then allegedly punched § 87(2)(b) once, making contact with his lower lip (**Allegation O**). PO Maldonado allegedly told § 87(2)(b) either "Go the fuck home" or "You think I'm a pussy?" while ordering him to leave the scene (**Allegation P**). § 87(2)(b) and § 87(2)(b) stood near § 87(2)(b) while he argued with the officers, and PO Rodriguez allegedly said, "Get the fuck out here" to § 87(2)(b) and § 87(2)(b) (**Allegation Q**).

§ 87(2)(b) approached § 87(2)(b) after § 87(2)(b) pushed PO Maldonado, and § 87(2)(b) told the officers to stop. PO Singh allegedly pointed his gun at § 87(2)(b) and said, "Don't move" (**Allegation R**). § 87(2)(b) requested PO Singh's shield number multiple times,

and PO Singh said, “Shut the fuck up” multiple times in response (**Allegations S and T**). § 87(2)(b) video recorded the incident on his cell phone, and PO Singh instructed other unidentified officers to place § 87(2)(b) in handcuffs at that time (**Allegation U**). An unidentified officer then allegedly confiscated § 87(2)(b)'s cell phone to prevent him from recording the incident (**Allegation V**). Unidentified officers then placed § 87(2)(b) in handcuffs. An unidentified officer returned § 87(2)(b)'s phone to him after he was placed in handcuffs, and § 87(2)(b) later discovered that the video footage he recorded was deleted from his phone (**Allegations W and X**). An unidentified officer allegedly struck § 87(2)(b) in the head with his gun (**Allegation Y**), and other unidentified officers allegedly punched and kicked § 87(2)(b) while placing him in handcuffs (**Allegation Z**).

§ 87(2)(b) and § 87(2)(b) repeatedly protested the officers' actions once they were placed in handcuffs, and PO Singh allegedly said, “Shut the fuck up” (**Allegation 2A**). PO Singh also allegedly pointed his gun at both § 87(2)(b) and § 87(2)(b) while they were in handcuffs (**Allegation 2B**).

PO Singh placed § 87(2)(b) and § 87(2)(b) under arrest for an unknown crime in connection with the initial vehicle pursuit (**Allegations 2C and 2D**). PO Singh, PO Maldonado, and PO Rodriguez transferred custody of § 87(2)(b) and § 87(2)(b) to other unidentified officers, and they then left the scene.

§ 87(2)(b) and § 87(2)(b) were transported to the 40th Precinct stationhouse by PO DeStefano and PO Barry. Sgt. Miller released § 87(2)(b) and § 87(2)(b) with voided arrests because the officers did not know why § 87(2)(b) and § 87(2)(b) had been arrested. § 87(2)(b) was transported via ambulance to § 87(2)(b) from the 40th Precinct stationhouse where he was treated for bruises to his head, face, back, and arms (BR 01-10 and 21).

§ 87(2)(g)

Video footage was obtained from surveillance cameras at the Sunoco gas station at the location of the initial vehicle stop. The video footage shows the car stop and shows § 87(2)(b) flee from the gas station across the street. The footage does not show the interaction between § 87(2)(b) and the officers across the street.

The relevant video clips are embedded below. The first clip (file 1341_DM) shows the initial vehicle stop (BR 44). The second clip (file 1357_DM) shows § 87(2)(b) flee from the gas station (BR 45), and the third clip (file 1403_DM) shows the area of the gas station across the street from the location of § 87(2)(b)'s arrest (BR 46). The full length video files can be found in IAs 24, 81, and 84.

Video footage was also obtained from an unidentified bystander who recorded the officers when they initially approached the vehicle. The footage was provided the CCRB by § 87(2)(b) via email. The video file is embedded below (file 1209_DM) and can be found in IA 5 (BR 47).

Video footage was also obtained from the dashboard camera of a highway patrol officer who responded to the scene. The video did not show any of the allegations and was not embedded. The dash cam footage can be found in IA 228, but it requires a special video player and cannot be viewed in CTS.



201607275_20161214_1341_DM.mp4

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201607275_20161214_1403_DM.mp4



201607275_20160825_1209_DM.mov

Mediation, Civil and Criminal Histories

This case was unsuitable for mediation due to § 87(2)(b) and § 87(2)(b)'s arrests and due to § 87(2)(b)'s personal injuries. Neither § 87(2)(b) nor § 87(2)(b) filed a notice of claim in regards to this incident (BR 26). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

This is § 87(2)(b) and § 87(2)(b)'s first CCRB complaint (BR 25).

PO Lopez has been a member of the NYPD for three years, and this is her first complaint in which a FADO allegation was made against her. PO Lopez was involved in one prior case (201404657) in which she failed to prepare a memo book entry. § 87(2)(g)

This is the first CCRB complaint filed against PO Maldonado and PO Gabrielle Rodriguez.

PO Singh has been a member of the NYPD for four years and has been the subject of five prior complaints involving 12 allegations. PO Singh has two substantiated allegations in case 201509964 for striking a civilian in the neck with a baton and threatening to use force against a civilian. In that case, the investigation also found that PO Singh provided a false official statement when he denied striking a civilian in the neck with a baton in contradiction of video footage showing him do so. Seven of PO Singh's 12 prior allegations were force allegations or threat of force allegations.

Potential Issues

§ 87(2)(g)

PO Cabrera was not interviewed because he resigned from the NYPD after the incident.

§ 87(2)(g)

§ 87(2)(b) was not interviewed because he was uncooperative with the investigation. Nine calls were placed to § 87(2)(b) and two please call letters were mailed to him. He also failed to appear at the CCRB for one scheduled interview.

§ 87(2)(b) and § 87(2)(b) were the only witnesses who were interviewed. § 87(2)(b) and § 87(2)(b) provided unverified phone statements. These witnesses were not interviewed because they were not independent witnesses and did not provide new information in their phone statements.

§ 87(2)(b) was unavailable to the investigation. Ten calls were placed to § 87(2)(b) with no response in each case. One please call letter was mailed to his address, but the letter was returned to the CCRB by the US Postal Service. § 87(2)(b) was not an independent witness, and his testimony was not expected to impact the dispositions of the allegations given that the investigation obtained statements from many other victims and witnesses.

Findings and Recommendations

Explanation of Subject Officer Identification

PO Singh was identified as the subject officer of **Allegations F, H, I, M, R-U, and 2A-2D** because the civilians described the subject officer of those allegations as an Indian male wearing a turban. PO Singh acknowledged that he was present during the incident, and he acknowledged that he wore a turban during the incident. § 87(2)(g)

Multiple unidentified subject officers allegedly spoke discourteously toward § 87(2)(b) struck § 87(2)(b) with batons and guns, prevented § 87(2)(b) from video recording the incident, searched § 87(2)(b)'s phone, deleted video footage from § 87(2)(b)'s phone, and used physical force against § 87(2)(b) (See **Allegations G, J, K, L, V, W, X, Y, and Z**) § 87(2)(g)

The allegations in question occurred across the street from the gas station. As such, the video footage from the gas station did not show the incident location and did not help the investigation to identify the officers.

The SPRINT noted that officers from the 40th Precinct, the 41st Precinct, and Highway Patrol 1 responded to the scene (BR 22). Police documents were requested from those commands in an effort to resolve the discrepancies in the civilians' testimonies noted above.

The SPRINT from the incident listed only five units as responding to the scene, but the video footage of the incident showed that many more units actually arrived. As a result, the investigation could not rely on the SPRINT to resolve the identities of the subject officers in

Allegation A – Force: Police Officer Katherine Lopez pointed her gun at § 87(2)(b)

and § 87(2)(b)

Allegation B – Force: Officers pointed their guns at § 87(2)(b)

and § 87(2)(b)

Allegation C – Force: Police Officer Luis Cabrera pointed his gun at § 87(2)(b)

and § 87(2)(b)

§ 87(2)(b) stated that he and two other civilians, who were identified by the investigation as § 87(2)(b) and § 87(2)(b) rode in a vehicle driven by his cousin, who was identified by the investigation as § 87(2)(b) when PO Lopez and PO Cabrera attempted to stop their car. § 87(2)(b) stated that § 87(2)(b) fled from the officers in a “high-speed chase” to a gas station on the corner of Tiffany Street and Garrison Avenue in the Bronx. Additional officers joined in the pursuit, and § 87(2)(b) stopped his car inside the gas station. Approximately five police officers approached § 87(2)(b)’s vehicle with their guns drawn and pointed at the car once it was stopped (BR 21).

According to PO Lopez, she and PO Cabrera attempted to stop § 87(2)(b)’s vehicle for reckless driving. § 87(2)(b) refused to stop and drove in circles around the gas station. PO Lopez and PO Cabrera pursued the car, and § 87(2)(b) struck a taxi cab while fleeing from the officers. Approximately seven or eight officers arrived on the scene to assist in stopping the car, but PO Lopez did not recall their names. PO Lopez did not recall whether she or any other officer drew their guns upon stopping the car (BR 11).

The video footage (file 1341_DM) from the gas station showed that § 87(2)(b) drove in circles around the gas station while two marked police vehicles pursued him. The video showed that § 87(2)(b) cut through the middle of the gas station once with the officers in pursuit, and the video showed that he was ultimately cornered inside the gas station by the two police vehicles when he attempted to cut through the gas station for a second time. The video footage showed at least one unidentified officer exit from his vehicle with his gun drawn and pointed at the car (file 1341_DM and file 1209_DM). The video also shows PO Lopez and PO Cabrera approach the vehicle while clutching their gun holsters. The footage does not clearly show whether or not PO Lopez and PO Cabrera drew their guns.

An officer can draw and point his/her firearm at another person if he has a reasonable fear for his own or another’s safety (BR 27). People v. Gliner. OATH Index 955/00.

§ 87(2)(g)

Allegation D – Abuse of Authority: Police Officer Gabrielle Rodriguez stopped § 87(2)(b)

Allegation E – Abuse of Authority: Police Officer Kenny Maldonado stopped § 87(2)(b)

Allegation F – Abuse of Authority: Police Officer Mandeep Singh stopped § 87(2)(b)

According to the civilians, § 87(2)(b) was inside the gas station near the corner of Tiffany Street and Garrison Avenue during the vehicle pursuit. § 87(2)(b)'s friends, § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) were also with him. The civilians observed PO Lopez and PO Cabrera stop the vehicle inside the gas station and approach the car. Many additional police officers arrived on the scene in multiple marked and unmarked vehicles while the civilians observed the incident.

According to § 87(2)(b) he saw several individuals in plainclothes run toward the gas station, and he heard these individuals say “cops” and “guns.” § 87(2)(b) became afraid because he did not know that these individuals were police officers, and he fled from the gas station across Tiffany Street toward § 87(2)(b)'s van and § 87(2)(b)'s car, both of which were parked across the street from the gas station. Three police officers in plainclothes, who were identified by the investigation as PO Singh; PO Rodriguez; and PO Maldonado, pursued § 87(2)(b) across the street. § 87(2)(b) stated that two other unidentified officers in plainclothes also pursued him from the direction of the gas station.

According to PO Rodriguez and PO Maldonado, they were inside the 41st Precinct stationhouse when they received a radio call requesting police assistance due to a vehicle pursuit at Tiffany Street and Garrison Avenue. The SPRINT and 911 CD confirmed that this radio call occurred. PO Rodriguez and PO Maldonado ran out of the stationhouse and entered an unmarked police vehicle to respond to the scene (BR 13-14).

According to PO Singh, he was in the parking lot of the 41st Precinct stationhouse preparing to go home for the day (BR 12). At that time, he heard a radio call requesting police assistance. PO Singh heard the message from the police vehicles parked in the parking lot. PO Singh did not have his radio on his person and did not hear the call from his personal radio. PO Singh then entered the backseat of PO Maldonado and PO Rodriguez's vehicle to respond to the scene. PO Singh did not know whether he was aware of the fact that the officers were involved in a vehicle pursuit at the time that he responded to the scene.

According to PO Rodriguez and PO Maldonado, they arrived at the corner of Tiffany Street and Garrison Avenue and observed approximately 10 police officers standing inside of the gas station. Neither of the officers observed a vehicle pursuit, and PO Rodriguez realized at that time that the vehicle pursuit had ended inside the gas station where the police officers congregated. PO Rodriguez then observed § 87(2)(b) run across Tiffany Street away from the gas station, and she said, “Look! Look! Look!” PO Maldonado stated that he directed his attention to § 87(2)(b) upon hearing PO Rodriguez. PO Maldonado and PO Rodriguez ran after § 87(2)(b) because they believed that § 87(2)(b) was involved in the vehicle pursuit due to the direction of his flight away from the officers already on scene. Neither of the officers observed any other officer in pursuit of § 87(2)(b) and PO Maldonado stated that no other civilian ran across the street. Both officers stated that PO Singh ran after § 87(2)(b) with them.

§ 87(2)(g)
§ 87(2)(b) PO Singh first stated that he arrived at a “chaotic” scene in which he saw multiple civilians fleeing from numerous unidentified police officers. PO Singh stated that those unidentified

officers stopped § 87(2)(b) and that he approached the scene to assist them. PO Singh denied that he was one of the first officers to pursue § 87(2)(b). PO Singh was asked whether he actually observed officers in pursuit of civilians during the incident, and PO Singh stated, “From my recollection, I would say so, yes.” PO Singh was asked to clarify that statement at which time PO Singh then changed his testimony and stated that he did not have an “exact recollection” of what occurred during the incident.

The video footage of the incident showed § 87(2)(b) run away from the gas station, and it showed two other male individuals wearing plainclothes jogging approximately 15 feet behind him inside the gas station. § 87(2)(g)

§ 87(2)(b) The video footage showed that § 87(2)(b) moved at a much quicker pace than the two individuals in question and that he crossed the street while the two males were still in the middle of the gas station. All of the angles of the video showed that there were no other civilians or officers in the vicinity of § 87(2)(b) when he ran across the street.

Officers may stop a person when they have reasonable suspicion to believe that the person is committing, has committed, or is about to commit a crime (BR 28). People v. DeBour, 40 N.Y.2d 201 (1976). An officer has reasonable suspicion to stop a person if he observes that person flee from officers involved in a police investigation involving a traffic stop (BR 29). United States v. Bonner 363 F.3d 213 (2004).

§ 87(2)(g)

Allegation G – Discourtesy: Officers spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that additional unidentified officers joined PO Rodriguez, PO Maldonado, and PO Singh during the pursuit and that one of those officers allegedly said, “What the fuck is your problem?” § 87(2)(b) did not know which of the officers made that comment. Unidentified officers also allegedly used the word “fuck” toward § 87(2)(b) in various contexts throughout the incident.

§ 87(2)(g)

Allegation H – Force: Police Officer Mandeep Singh pointed his gun at § 87(2)(b)

Allegation I – Force: Police Officer Mandeep Singh struck § 87(2)(b) with a gun.

According to § 87(2)(b) he ran to § 87(2)(b)'s vehicle, which was parked on the opposite side of Tiffany Street from the gas station, and he opened the back car door. § 87(2)(b) and § 87(2)(b) sat inside the car. § 87(2)(b) stated that PO Singh approached him from a distance of seven feet away with his gun drawn and pointed at him. PO Singh said, "Freeze, put your hands up," and § 87(2)(b) did so. § 87(2)(b) stated that PO Singh immediately struck the upper left part of his forehead with his gun, and § 87(2)(b) fell backward against the frame of the car and then fell to the ground.

§ 87(2)(b) stated that he sustained a bruise to the upper left part of his forehead from being struck with PO Singh's gun. § 87(2)(b) provided photos of the injury taken by § 87(2)(b) inside the 40th Precinct stationhouse (BR 30). PO Cabrera prepared an aided report, which documented the presence of a contusion on § 87(2)(b)'s forehead at the time of his release from the 40th Precinct stationhouse (BR 31). § 87(2)(b) was transported to § 87(2)(b) by an FDNY ambulance, and the EMS workers prepared a prehospital care report, which noted the existence of two bruises on § 87(2)(b)'s head at the time that he was transported to the hospital (BR 32). § 87(2)(b)'s certified medical records from § 87(2)(b) noted that he arrived at the hospital with contusions to the left side of his face near his forehead (BR 32).

§ 87(2)(b) and § 87(2)(b) witnessed the incident while walking across Tiffany Street toward § 87(2)(b)'s van. § 87(2)(b) stated that she saw an officer strike § 87(2)(b) with an object, which she believed to be a gun, and § 87(2)(b) stated that he saw PO Singh point his gun at § 87(2)(b) and strike § 87(2)(b) in the forehead with his gun, causing § 87(2)(b) to fall to the ground. § 87(2)(b) and § 87(2)(b) stated that they saw an officer strike § 87(2)(b) in the face with a gun-shaped object, causing him to fall to the ground. PO Singh denied that he was among the first officers to reach § 87(2)(b).

PO Singh claimed that other unidentified officers were the first to stop § 87(2)(b) and PO Singh claimed that these officers "physically" stopped § 87(2)(b). PO Singh could not explain what he meant by the officers "physically" stopping § 87(2)(b). When asked to further clarify his statement, PO Singh stated that he did not recall what happened. PO Singh did recall whether he ever saw § 87(2)(b) on the ground. PO Singh could not provide any additional details of what he saw upon approaching § 87(2)(b).

PO Singh stated that he did not draw his gun upon initially approaching § 87(2)(b) and he denied striking § 87(2)(b) with his gun. PO Singh claimed that he drew his gun immediately after he reached § 87(2)(b) because an "aggressive group" ran toward him. PO Singh stated that the group in question stopped immediately after he pointed his gun at them, and PO Singh then holstered his weapon. PO Singh did not recall how many civilians were in the group. PO Singh was asked whether the group consisted of more than one person, and PO Singh said, "Maybe." PO Singh was asked to clarify his statement that a group of people might be composed of only one person, and PO Singh stated that he had a different definition of the word "maybe" than the investigation.

PO Rodriguez stated that she, PO Maldonado, and PO Singh were the first officers to reach § 87(2)(b). PO Rodriguez did not see whether or not PO Singh drew his gun. PO Rodriguez heard either PO Singh or PO Maldonado yell, "Police don't move," and § 87(2)(b) stopped immediately. PO Rodriguez did not see whether or not PO Singh struck § 87(2)(b) with his gun. PO Rodriguez stated that several additional unidentified uniformed police officers approached § 87(2)(b) after he was stopped. PO Rodriguez saw several officers place § 87(2)(b) in handcuffs, but she did not recall who did so. PO Rodriguez saw § 87(2)(b) on the ground while

the officers placed him in handcuffs, but she did not see how § 87(2)(b) came to be on the ground because she was looking in a different direction at the time.

According to PO Maldonado, he and PO Singh were the first officers to reach § 87(2)(b) with PO Rodriguez arriving shortly behind them. PO Maldonado denied that PO Singh drew his gun and stated that PO Singh did not strike § 87(2)(b) with his gun. PO Maldonado stated that he told § 87(2)(b) to get on the ground and that § 87(2)(b) lowered himself to the ground voluntarily. PO Maldonado then saw PO Singh get on top of § 87(2)(b)'s back to place him in handcuffs.

According to PO Rodriguez and PO Maldonado, § 87(2)(b) approached the scene and pushed PO Maldonado while PO Singh was positioned on top of § 87(2)(b)'s back. PO Rodriguez and PO Maldonado turned their attention toward § 87(2)(b) at that time. PO Singh did not recall witnessing any civilian push PO Maldonado. (**Discussed in Allegations N, O, and P**).

PO Maldonado and PO Rodriguez stated that they saw § 87(2)(b) grab the front of his waistband while running across the street, which led them to believe that he might be concealing a gun. PO Singh claimed that he first saw § 87(2)(b) interacting with other officers, and PO Singh did not allege that he suspected § 87(2)(b) of being armed.

Neither PO Singh nor PO Maldonado saw any injuries on § 87(2)(b) during the incident. PO Rodriguez stated that she saw a bruise on § 87(2)(b)'s forehead after § 87(2)(b) was placed in handcuffs. PO Rodriguez did not know how § 87(2)(b) sustained such an injury.

An officer can draw and point his or her firearm at another person if he or she has a reasonable fear for his own or another's safety. People v. Gliner. OATH Index 955/00. Force may be used when it is reasonable to ensure the safety of a member of the service of a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody (BR 33). Patrol Guide Procedure 221-01.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation J – Force: An officer struck § 87(2)(b) with his gun.

Allegation K – Force: Officers struck § 87(2)(b) with their asps.

§ 87(2)(b) alleged that an unidentified officer struck him on the right side of his face with his gun immediately after PO Singh struck him on the left side of his face. § 87(2)(b) alleged that he also sustain contusion to the right side of his face from the unidentified officer's gun strike.

§ 87(2)(b) fell on his stomach on the ground at which time he alleged that an unidentified officer struck the back of his neck with a gun. § 87(2)(b) stated that two officers then struck his back multiple times with their asps. § 87(2)(b) could not see which officers took these actions because he was positioned face-down. § 87(2)(b)'s medical records confirmed the existence of contusions to the right side of his face.

§ 87(2)(g)

Allegation L – Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) alleged that they witnessed an officer punch § 87(2)(b) in the face multiple times while he was on the ground. Each of these civilians provided different descriptions of the subject officer of their allegation. § 87(2)(b) also alleged that he

saw the officer punch § 87(2)(b) in the face while he lay on his back on the ground. § 87(2)(b) did not see any officer punch § 87(2)(b) and he stood closest to the incident of all the witnesses. § 87(2)(b) stated that he was on his stomach on the ground during the incident, and he did not allege that any officer punched him in the face.

PO Singh, PO Maldonado, and PO Rodriguez did not witness any such incident as alleged by § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)

Allegation M – Police Officer: Mandeep Singh used physical force against § 87(2)(b)

§ 87(2)(b) alleged that an officer kicked him two to three times in total on the upper right and lower left parts of his back. § 87(2)(b) did not see which officer kicked him because he was positioned face-down on the ground.

§ 87(2)(b) stated that he sustained contusions to his back from being kicked. § 87(2)(b) provided photos of these injuries, which were taken by § 87(2)(b) inside the 40th Precinct stationhouse on the date of the incident (BR 30). FDNY EMTs documented the existence of bruises to § 87(2)(b)'s back on § 87(2)(b)'s prehospital care report, and § 87(2)(b)'s medical records confirmed the existence of multiple abrasions across § 87(2)(b)'s back and shoulders (BR 32).

According to § 87(2)(b) he saw PO Singh kick § 87(2)(b) three times to the left side of his back.

According to § 87(2)(b) she witnessed the incident while walking across Tiffany Street toward § 87(2)(b) near the corner of Tiffany Street and Garrison Avenue. § 87(2)(b) stated that she saw PO Singh kick § 87(2)(b) five times in the area of his shoulders.

According to § 87(2)(b) he was driving away from the gas station when he heard § 87(2)(b) yelling in pain. § 87(2)(b) stopped his car in the middle of Tiffany Street between Garrison Avenue and Lafayette Avenue, exited his vehicle, and then ran toward the scene of § 87(2)(b)'s stop. § 87(2)(b) saw several police officers assaulting § 87(2)(b) but § 87(2)(b) did not know that these individuals were police officers at the time because they wore plainclothes. § 87(2)(b) saw one of the officers positioned on top of § 87(2)(b)'s back, and he saw an officer kick § 87(2)(b)'s right side. § 87(2)(b) could not recall which officer kicked § 87(2)(b). § 87(2)(b) acknowledged that he pushed PO Maldonado away from § 87(2)(b). § 87(2)(b) drove away from the scene immediately after the officers stopped § 87(2)(b). Neither he nor the other occupants of his vehicle were in a position to witness any further interactions between § 87(2)(b) and the officers.

PO Maldonado stated § 87(2)(b) pushed him shortly after the initial stop while PO Singh was on top of § 87(2)(b) on the ground. Both PO Maldonado and PO Rodriguez stated that they did not see PO Singh use any kind of physical force against § 87(2)(b) but their attention was distracted from § 87(2)(b) at the time that PO Singh allegedly kicked him.

§ 87(2)(g)

§ 87(2)(b). When PO Singh was first asked whether he handcuffed § 87(2)(b) he responded by saying that he did not have handcuffs on his person during the incident. PO Singh was asked again whether he handcuffed § 87(2)(b) and PO Singh then stated that he might have assisted

other unidentified officers in placing § 87(2)(b) in handcuffs. When PO Singh was asked how he assisted the other officers, his PBA representative, Kate Conlon, said, “If you don’t remember, then say you don’t remember.” PO Singh then immediately stated that he did not recall. PO Singh also initially stated that he did not recall whether or not he used physical force against § 87(2)(b) but he then later denied that he kicked § 87(2)(b). PO Singh also did not recall whether § 87(2)(b) was on the ground at any point during the incident.

Force may be used when it is reasonable to ensure the safety of a member of the service of a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Patrol Guide Procedure 221-01.

§ 87(2)(g)

[REDACTED]

[REDACTED] alleged that he sustained bruises to his back a result of PO Singh’s kicks.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Allegation N – Force: Police Officer Gabrielle Rodriguez pointed her gun at § 87(2)(b)

[REDACTED]

§ 87(2)(b) and § 87(2)(b) alleged that PO Rodriguez drew her gun and pointed her gun at § 87(2)(b) immediately after he pushed PO Maldonado.

§ 87(2)(b) sat in the passenger’s seat of § 87(2)(b)’s vehicle, and he exited the vehicle to witness the incident after § 87(2)(b) ran toward the scene. § 87(2)(b) confirmed that § 87(2)(b) pushed PO Maldonado, and he stated that he saw PO Rodriguez point a rectangular object at § 87(2)(b) immediately thereafter.

§ 87(2)(b) did not testify that he saw PO Rodriguez point her gun at § 87(2)(b) and § 87(2)(b) was not in a position to see such an allegation at that time.

PO Rodriguez stated that she saw § 87(2)(b) push PO Maldonado from behind at which time she immediately turned to face him. PO Rodriguez denied drawing her gun or pointing her gun at § 87(2)(b).

PO Maldonado stated that he also turned around immediately upon being pushed and identified himself as a police officer. PO Maldonado stated that PO Rodriguez also turned around and identified herself as a police officer. PO Maldonado stated that PO Rodriguez did not draw her gun.

PO Singh did not recall seeing any civilian push PO Maldonado, and he did not see PO Rodriguez draw her gun during the incident.

§ 87(2)(g)

Allegation O – Force: Police Officer Kenny Maldonado used physical force against

§ 87(2)(b)

It is undisputed that PO Maldonado used force against § 87(2)(b)

§ 87(2)(g)

According to § 87(2)(b) he raised his hands in the air and backed away from the officers after PO Rodriguez pointed her gun at him. While backing away, § 87(2)(b) alleged that PO Maldonado approached him and punched him once in the lower lip, causing § 87(2)(b) to sustain a cut to the inside of his lip. § 87(2)(b) also alleged that PO Maldonado punched § 87(2)(b) under the same set of circumstances. § 87(2)(b) stated that he did not say anything to PO Maldonado.

According to § 87(2)(b) she saw § 87(2)(b) push PO Maldonado and repeatedly yell at the officers in protest of their actions toward § 87(2)(b). § 87(2)(b) stated that she approached § 87(2)(b) and pleaded with him to leave. § 87(2)(b) alleged that PO Maldonado approached § 87(2)(b) and punched him as she and § 87(2)(b) walked away from the scene.

According to § 87(2)(b) PO Maldonado and PO Rodriguez repeatedly instructed § 87(2)(b) to leave after § 87(2)(b) pushed PO Maldonado. § 87(2)(b) did not see PO Maldonado punch § 87(2)(b).

According to § 87(2)(b) PO Maldonado punched § 87(2)(b) in the face immediately after § 87(2)(b) pushed him. § 87(2)(b) stated that § 87(2)(b) argued with PO Maldonado and did not immediately walk away from the scene. § 87(2)(b) stated that § 87(2)(b) also said, “Shut the fuck up” to PO Maldonado.

PO Maldonado denied that he punched § 87(2)(b). PO Maldonado stated that he turned around and immediately pushed § 87(2)(b) away from him. § 87(2)(b) refused to leave the scene, and PO Maldonado repeatedly instructed him to do so. PO Maldonado stated that he and § 87(2)(b) pushed each other back and forth more than five times. During the altercation, PO Maldonado stated that he and PO Rodriguez walked with § 87(2)(b) to the corner of Tiffany Street and Garrison Avenue at which time § 87(2)(b) left the scene.

PO Rodriguez did not see PO Maldonado punch § 87(2)(b). PO Rodriguez stated that PO Maldonado pushed § 87(2)(b) immediately after § 87(2)(b) pushed PO Maldonado.

Force may be used when it is reasonable to ensure the safety of a member of the service of a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Patrol Guide Procedure 221-01.

§ 87(2)(g)

[REDACTED]

Allegation P – Discourtesy: Police Officer Kenny Maldonado spoke discourteously to

§ 87(2)(b)

§ 87(2)(b) alleged that he was placed in handcuffs and positioned in a seated position on the sidewalk. At that time, § 87(2)(b) alleged that he saw PO Maldonado approach § 87(2)(b) near § 87(2)(b) car, which was parked in the middle of the street. § 87(2)(b) alleged that he heard PO Maldonado say, “Get the fuck home.” § 87(2)(b) alleged that PO Maldonado said, “You think I’m a pussy?” to § 87(2)(b)

§ 87(2)(b) stated that PO Maldonado did not use profanity toward him, and § 87(2)(b) did not hear PO Maldonado use any profanity toward § 87(2)(b) § 87(2)(b) stated that he was not near his vehicle while interacting with PO Maldonado.

§ 87(2)(b) did not allege that any officer used profanity toward § 87(2)(b) and § 87(2)(b) stated that § 87(2)(b) was still face-down on the ground when § 87(2)(b) interacted with PO Maldonado.

PO Maldonado did not recall specifically what he said to § 87(2)(b) PO Maldonado did not recall whether or not he used profanity when speaking with § 87(2)(b) PO Maldonado stated the only comments he made to § 87(2)(b) were orders for him to leave.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

Allegation Q – Discourtesy: Police Officer Gabrielle Rodriguez spoke discourteously to

§ 87(2)(b) and § 87(2)(b)

According to § 87(2)(b) she and § 87(2)(b) witnessed § 87(2)(b) and § 87(2)(b)'s interactions with PO Maldonado and PO Rodriguez while walking across Tiffany Street toward § 87(2)(b)'s van. § 87(2)(b) stated that she and § 87(2)(b) arrived at § 87(2)(b)'s van at which time PO Rodriguez approached them. § 87(2)(b) alleged that PO Rodriguez said, "Get the fuck out of here" approximately three times. § 87(2)(b) was not interviewed because he was uncooperative with the investigation.

Neither § 87(2)(b) nor § 87(2)(b) alleged that PO Rodriguez told § 87(2)(b) and § 87(2)(b) to "Get the fuck out of here."

§ 87(2)(b) was not in a position to witness PO Rodriguez make such a comment because he stood closer to the scene of § 87(2)(b)'s arrest and interacted with PO Singh (Discussed in Allegations R-T).

PO Rodriguez testified that she walked with PO Maldonado and § 87(2)(b) to the corner of Tiffany Street and Garrison Avenue at which time § 87(2)(b) left the scene. While walking to the corner, PO Rodriguez stated that she saw approximately five other civilians standing near § 87(2)(b) and PO Rodriguez stated that she issued orders to § 87(2)(b) and the other civilians to leave the scene. PO Rodriguez stated that she may have said, "Get the fuck out of here," while issuing those commands in order to prevent anyone else from interfering with § 87(2)(b)'s arrest. PO Rodriguez did not specifically recall saying, "Get the fuck out of here," or using profanity during the incident.

§ 87(2)(g)

Allegation R – Force: Police Officer Mandeep Singh pointed his gun at § 87(2)(b)

§ 87(2)(b) stated that he approached the scene of § 87(2)(b)'s arrest while PO Maldonado and PO Rodriguez interacted with § 87(2)(b). Upon his approach, § 87(2)(b) stated that § 87(2)(b) was on the ground and that PO Singh kicked § 87(2)(b) repeatedly in the back. § 87(2)(b) stated that he told the officers to stop as he approached, and § 87(2)(b) alleged that PO Singh immediately faced § 87(2)(b), pointed his gun at him, and said, "Don't move." § 87(2)(b) stated that he saw PO Singh point his gun at § 87(2)(b).

PO Singh denied that he pointed his gun at § 87(2)(b). As previously mentioned, PO Singh claimed that he drew his gun and pointed it at an "aggressive group" that might have been composed of one person, and PO Singh could provide no further details about this alleged group. PO Singh claimed that he saw unidentified officers place § 87(2)(b) under arrest immediately after he dealt with the alleged group. PO Singh did not know why § 87(2)(b) was arrested (Discussed in Allegation 2D).

§ 87(2)(g)

Allegation V – Abuse of Authority: An officer interfered with § 87(2)(b)'s use of a recording device.

Allegation W – Abuse of Authority: An officer searched § 87(2)(b)'s recording device.

Allegation X – Abuse of Authority: An officer deleted information on § 87(2)(b)'s electronic device.

§ 87(2)(b) stated that an unidentified officer confiscated his phone immediately before he was placed in handcuffs. § 87(2)(b) stated that the officer in question placed his phone in his pocket after he was placed in handcuffs, and § 87(2)(b) later looked for the video footage he previously recorded on his phone to find that it had been deleted.

§ 87(2)(g)

Allegation Y – Force: An officer struck § 87(2)(b) with a gun.

Allegation Z – Force: Officers used physical force against § 87(2)(b)

§ 87(2)(b) alleged that she saw officers place § 87(2)(b) in handcuffs, and she alleged that she saw an unidentified officer strike § 87(2)(b) in the head with a gun at that time. § 87(2)(b) alleged that unidentified officers pushed § 87(2)(b) to the ground and punched him five to six times in the process of placing him in handcuffs.

§ 87(2)(b) stated that two unidentified officers turned him on his stomach on the street, pulled his arms behind his back, and handcuffed him. § 87(2)(b) denied that these officers used any other kind of physical force against him.

Neither PO Maldonado nor PO Rodriguez saw any officer use force against any civilian during the incident. PO Singh denied using physical force against § 87(2)(b) and he stated that he only saw the unidentified officers pull § 87(2)(b)'s arms behind his back to handcuff him.

§ 87(2)(g)

Allegation 2A – Discourtesy: Police Officer Mandeep Singh spoke discourteously to § 87(2)(b)

and § 87(2)(b)

§ 87(2)(b) alleged that he and § 87(2)(b) were seated side by side on the curb after § 87(2)(b)'s arrest. Both civilians protested the officers' actions, and § 87(2)(b) alleged that PO Singh repeatedly said, "Shut the fuck up" to both of them.

§ 87(2)(b) did not testify that PO Singh said, "Shut the fuck up" after he was placed in handcuffs, and § 87(2)(b) only alleged that PO Singh used profanity when speaking to him about his request for PO Singh's shield number.

PO Singh denied using profanity or using the word “fuck” at any point during the incident, and neither PO Maldonado nor PO Rodriguez heard him do so.

§ 87(2)(g)

Allegation 2B – Force: Police Officer Mandeep Singh pointed his gun at § 87(2)(b) and

§ 87(2)(b)

§ 87(2)(b) alleged that PO Singh pointed his gun at both him and § 87(2)(b) while they were in handcuffs.

§ 87(2)(b) stated that no officer pointed his or her gun at he and § 87(2)(b) while they were in handcuffs.

PO Singh denied drawing and pointing his gun at either § 87(2)(b) or § 87(2)(b)

§ 87(2)(g)

Allegation 2C – Abuse of Authority: Police Officer Mandeep Singh arrested § 87(2)(b)

Allegation 2D – Abuse of Authority: Police Officer Mandeep Singh arrested § 87(2)(b)

According to § 87(2)(b) and § 87(2)(b) PO Singh and PO Maldonado placed them inside the officers’ unmarked police car after they were arrested. PO Maldonado and PO Singh entered the car and then drove them across the street to the front of the gas station where the initial vehicle stop took place. PO Singh and PO Maldonado then transferred them to other unidentified uniformed officers, and PO Singh and PO Maldonado then left the scene.

§ 87(2)(b) and § 87(2)(b) stated that PO Barry and PO Destefano arrived on the scene, took custody of them, and then transported them to the 40th Precinct stationhouse. § 87(2)(b) and § 87(2)(b) were placed in a holding cell for several hours and were then released with voided arrests. § 87(2)(b) and § 87(2)(b)’s arrest reports were sealed, and they were charged with reckless endangerment, which was the top charge for § 87(2)(b) for his involvement in the vehicle pursuit. As noted previously, PO Cabrera prepared an aided report for § 87(2)(b)’s bruise to his forehead, and FDNY EMTs transported § 87(2)(b) to § 87(2)(b) directly from the stationhouse.

As previously noted, PO Singh claimed that other unidentified officers arrested § 87(2)(b) and § 87(2)(b) and PO Singh claimed that he only assisted these officers. PO Singh denied that he took custody of the civilians after they were arrested. PO Singh stated that the other unidentified officers placed the civilians in a prisoner van and then drove away. PO Singh stated that he did not know why § 87(2)(b) and § 87(2)(b) were arrested.

§ 87(2)(g) As previously noted, PO Maldonado and PO Rodriguez stated that PO Singh was directly involved in arresting both § 87(2)(b) and § 87(2)(b) PO Maldonado and PO Rodriguez also stated that PO Singh placed § 87(2)(b) and § 87(2)(b) inside the officers’ police vehicle after their arrests, drove them to the front of the gas station, and handed them over to other unidentified officers. The

officers stated that they did not know for what crime the civilians were arrested and believed that they were arrested in connection with the investigation of the incident at the gas station.

PO Barry and PO Destefano stated that they did not know why § 87(2)(b) and § 87(2)(b) were arrested (BR 16-17). PO Lopez stated that all of the civilians involved in the initial vehicle pursuit were inside of the car and that these civilians were arrested immediately after the car stop. PO Lopez was listed as the arresting officer on § 87(2)(b) and § 87(2)(b)'s arrest reports. She stated that she was assigned to be their arresting officer but did not know why they were arrested.

Sgt. Miller responded to the scene of the incident and verified PO Lopez's arrests of § 87(2)(b) and § 87(2)(b) (BR 15). Sgt. Miller then returned to the 40th Precinct stationhouse. Upon his arrival, PO Cabrera told him that § 87(2)(b) and § 87(2)(b) were in the holding cells and that none of the officers knew why they were arrested. Sgt. Miller asked the civilians why they were arrested, and they did not know. Both civilians told Sgt. Miller that an Indian officer wearing a turban arrested them. Sgt. Miller called the 41st Precinct and PSA 7 but neither command had any knowledge of the arrests. Sgt. Miller then ordered PO Cabrera to release § 87(2)(b) and § 87(2)(b) with voided arrests.

An officer has seized a person in the meaning of the Fourth Amendment when he or she physically or constructively detains a person by virtue of a significant interruption of his liberty of movement. An arrest has occurred when the intrusion of the seizure rises to a sufficient magnitude (BR 36). People v. Earl, 40 N.Y. 2d 941 (1976). The intrusion of a seizure constitutes an arrest when an officer points his or her gun at a person without a reasonable fear for his or her safety. A police officer must have probable cause to believe that a person has committed a crime to effect an arrest. People v. DeBour, 40 N.Y.2d 201 (1976).

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

